IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8401 of 2005

Between:

1 St. John's Educational and Development Society, Cumbum-523 333, Prakasam District, A.P.,
Represented by its President Smt. B.H.K. Sarojini, W/o. B. Danam, aged 60 years, resident of 104,
Dwaraka Apartments, Thakur Mansion Lane, Somajiguda, Hyderabad.
2 St. John's College of Eduction, Aswaraopet, Khammam District, A.P., represented by its President.

..... PETITIONERS

AND

1 Kakatiya University, Warangal, Rep by its Registrar.
2 Government of A.P. rep by its Principal Secretary, School Education, Secretariat, Hyderabad.
3 A.P. State Council for Higher Education, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not granting affiliation to the 2nd petitioner institution, despite carrying on the affiliation inspection on 17-3-2005, as being illegal, arbitrary, unconstitutional and contrary to the A.P. Universities Act and the Rules and Regulations made thereunder and the NCTE Act and consequently direct the 1st respondent to forthwith grant affiliation to the 2nd petitioner institution for the academic year 2004-2005 and treat the 2nd petitioner institution as an affiliated institution for all purposes.

Counsel for the Petitioners:MR.S.NIRANJAN REDDY

Counsel for the Respondent No.1 : Mr.Deepak Bhattacharjee (SC for University)

Counsel for the Respondent No.2.: GP FOR SCHOOL EDUCATION

Counsel for the Respondent No.3 : Mr.C.Sudesh Anand

The Court, at the stage of admission, made the following :

ORDER :

This writ petition is filed aggrieved by the action of the first respondent-Kakatiya University, Warangal, in not considering the application of the first petitioner for grant of affiliation to the second petitioner institution for the academic year 2004-05 to start B.Ed., courses on the ground that *Government orders* are not yet issued in favour of the petitioners.

It is not in dispute that the petitioners herein were already granted no-objection certificate by the Government and that they were also granted recognition by the National Council for Teacher Education (for short "NCTE). In the circumstances, the contention of the petitioners is that the first respondent-university is not at all justified in insisting on further *Government orders.*

When the matter is taken up for consideration, learned counsel for both parties represented that the issued raised in this writ petition is squarely covered by the decision of this Court in W.P.No.7878 of 2005 dated 13.04.2005, whereunder having considered an identical issue, this Court held that in the absence of any provision under the National Council for Teacher Education Act, or any other statute which provides for permission from the Government to start the college after the institution was granted no-objection certificate by the Government and recognition by the NCTE, the action of the respondent-university therein in returning the application for grant of affiliation only on the ground of further permission from the Government appears to be unwarranted and cannot be sustained. Accordingly the said writ petition was disposed of with a direction to the respondent-university to consider the application of the petitioner therein afresh for grant of affiliation without insisting for obtaining permission from the Government.

Following the decision in W.P.No. 7878 of 2005, the writ petition is disposed of with a direction to the first respondent University to consider the application of the first petitioner for grant of affiliation to the second petitioner institution for the academic year 2004-05 without insisting for obtaining further order or permission from the Government to start the college and to pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of one week from the date of receipt of this order. No costs.

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15.04.2005

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To

1 The Registrar, Kakatiya University, Warangal.
2 The Principal Secretary, Government of A.P., School Education Department, Secretariat, Hyderabad.
3 A.P. State Council for Higher Education, Hyderabad.

4 Two C.Cs to the G.P., for School Education, High Court Buildings, Hyderabad (OUT).

5 2 CD copies.